

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION**

CATHERINE ALEXANDER,)	
)	
Plaintiff,)	
)	
-vs-)	
)	
TAKE-TWO INTERACTIVE SOFTWARE, INC.,)	
2K GAMES, INC.; 2K SPORTS, INC.; WORLD)	Case No. 3:18-cv-966-SMY
WRESTLING ENTERTAINMENT, INC.;)	
VISUAL CONCEPTS ENTERTAINMENT;)	
YUKE’S CO., LTD.; AND YUKE’S LA INC.,)	
)	
)	
Defendants.)	

**DEFENDANTS’ OBJECTIONS AND RESPONSES TO
PLAINTIFF’S SECOND AMENDED RULE 26(a)(3) PRETRIAL DISCLOSURES**

Take-Two Interactive Software, Inc., 2K Games, Inc., 2K Sports, Inc., Visual Concepts Entertainment, and World Wrestling Entertainment, Inc. (collectively, “Defendants”), by counsel, and in accordance with Federal Rule of Civil Procedure 26(a)(3) submit the following objections and responses to Plaintiff’s Second Amended Pretrial Disclosures. Dkt. 264 (“Pl.’s 26(a)(3) Discl.”).

I. LIVE TESTIFYING WITNESSES

Defendants object to Plaintiff’s Witness No. 5—namely “[a]ny witness, employee, officer or representative of any Defendant who is present in the courtroom at any point during trial,” Pl.’s 26(a)(3) Discl., at 2—as Rule 26(a)(3)(i) required Plaintiff to identify her witnesses by name. Accordingly, the Court should strike Plaintiff’s Witness No. 7. *See* Fed. R. Civ. P. 37(c)(1); *see also Watts v. 84 Lumber Co.*, No. 14 Civ. 327, 2016 WL 7732935, at *1 (S.D. Ill. Feb. 12, 2016) (striking un-named witnesses from party’s Rule 26(a)(3) disclosures). Plaintiff’s

Witness No. 5 also violates the parties’ stipulation that no party “will offer lay or expert witnesses not previously disclosed pursuant to the applicable rules.” (Dkt. 211 ¶ 11.) In addition, Plaintiff did not list such witnesses in any Final Pretrial Order submission exchanged between the parties or submitted to the Court and, thus, has waived such unknown witnesses. *See Mankey v. Bennett*, 38 F.3d 353, 358–59 (7th Cir. 1994) (upholding exclusion of witness not listed in pretrial order).

II. TESTIMONY THROUGH DEPOSITION DESIGNATION

Pursuant to the Court’s January 25, 2022, Order, Dkt. 258, at 2, on September 7, 2022, the parties submitted to the Court a joint document including their respective deposition designations, counter-designations, and objections. Pursuant to Federal Rule of Civil Procedure 26(a)(3)(B), Defendants also indicate below those counter-designations and objections in response to Plaintiff’s deposition designations filed as part of Plaintiff’s Second Amended Pretrial Disclosures. *See* Pl.’s 26(a)(3) Discl., Ex. A. Defendants’ objections to exhibits as indicated in Section III, below, also apply to any corresponding deposition exhibits designated by Plaintiff, as well as any designated testimony referring to or relating to such exhibits. Defendants reserve the right to play any of their counter-designations in response to any designated testimony played by Plaintiff at trial.

A. EDWARD KIANG

Defendants’ Objections to Plaintiff’s Designations for Mr. Kiang	
Page/Line	Objections
30:18–30:24 31:2–31:9	602; lack of foundation; calls for legal conclusion.
35:7–35:22	Pending MIL; 401; 402; 403.
40:1–40:3 40:8–40:9 40:19–40:21 40:24–41:14 41:18–41:21	602; lack of foundation; calls for legal conclusion; calls for speculation.

Defendants' Objections to Plaintiff's Designations for Mr. Kiang	
Page/Line	Objections
43:7–43:12 43:15–43:17	Lack of foundation.
43:18–43:20 43:24–44:1	Lack of foundation; speculation; improper/incomplete hypothetical.
44:2–44:16	Foundation; speculation; improper/incomplete hypothetical.
52:25–53:5 53:9–53:12	Calls for speculation; vague; incomplete/improper hypothetical.
56:23–57:22	401; 402; 403; compound.
57:23–57:24 58:2–58:10	401; 402; 403; calls for speculation; foundation; vague; improper opinion.
60:21–60:23 61:4–61:9 61:13–61:21 61:23–61:24	401; 402; 403; 602; speculation; improper/incomplete hypothetical; scope.
67:4–67:6 67:7–67:7	401; 402; 403; improper/incomplete hypothetical; speculation; calls for a legal conclusion.
67:8–67:10 67:15–67:18 68:9–68:11 68:15–68:17	401; 402; 403; improper/incomplete hypothetical; speculation.
68:18–68:18	Not a question/testimony.
68:19–68:22 68:25–69:2 69:3–69:10 69:15–69:18 69:21–69:22 70:6–70:23	401; 402; 403; improper/incomplete hypothetical; speculation.
71:13–71:22	401; 402; 403; improper/incomplete hypothetical; speculation; mischaracterizes testimony.
75:21–75:24 76:4–76:6 76:10–76:10 76:21–76:23 77:1–77:2	401; 402; 403; 602; speculation; improper opinion; foundation; scope.
80:21–81:2	401; 402; 403; improper opinion; foundation; scope.
81:11–81:16 82:4–82:12 88:17–89:2	401; 402; 403; foundation; scope.
96:6–97:3	401; 402; 403; improper opinion; foundation; incomplete; scope.
97:10–97:14	401; 402; 403; foundation; incomplete; scope; speculation.

Defendants' Objections to Plaintiff's Designations for Mr. Kiang	
Page/Line	Objections
97:18–98:15	
115:15–115:23 116:17–117:18	401; 402; 403.

Defendants offer the following counter deposition designations for Mr. Kiang:

9:20–9:25	28:10–28:13	53:18–53:20
12:13–12:20	28:17–28:19	58:11–58:15
13:11–13:14	29:19–29:22	58:18–58:24
13:19–13:22	46:1–46:8	58:25–59:8
16:22–17:10	48:7–48:17	71:6–71:12
17:12–17:18	49:7–49:14	114:11–114:13
25:7–25:10	49:19–49:22	114:21–115:3
25:16–25:19	51:25–52:4	118:2–118:19
27:22–27:23	52:7–52:12	
28:2–28:3	53:13–53:15	

B. MARK LITTLE

Defendants' Objections to Plaintiff's Designations for Mr. Little	
Page/Line	Objections
49:6–49:8 49:12–50:11	401; 402; 403; 602; calls for speculation.
166:17–166:20	Calls for a legal conclusion.

Defendants offer the following counter deposition designations for Mr. Little:

8:9–8:16	51:24–52:1	108:15–108:19
11:25–12:13	52:4–52:5	108:22–109:1
12:18–12:21	62:4–62:10	109:3–109:5
13:2–13:7	63:13–64:10	109:7–109:10
17:24–18:16	66:4–66:17	110:11–110:13
20:11–21:8	70:24–71:6	110:15–110:17
21:18–21:23	72:16–73:6	119:20–119:21
22:23–22:24	87:20–88:12	123:24–124:16
26:8–26:13	88:19–89:8	125:22–126:1
27:2–27:4	89:17–89:22	126:16–126:22
27:7–27:8	89:23–90:12	126:24–127:5
29:11–29:14	90:15–90:16	165:4–165:6
29:17–29:17	90:18–90:21	165:8–165:19
35:2–35:12	94:3–94:9	168:12–168:13
45:3–45:19	94:12–94:16	
50:16–50:18	102:15–102:17	

C. CHRIS SNYDER

Defendants' Objections to Plaintiff's Designations for Mr. Snyder	
Page/Line	Objections
17:1–17:5	602; lack of foundation.
33:17–33:23 34:2–34:14	106; 32(a)(6); 401; 402; 403; pending MIL.
36:7–36:8 36:19–36:21	401; 402; 403; Pending MIL.
36:23–36:24	401; 402; 403; not a question/testimony; pending MIL.
37:3–37:4	401; 402; 403; not a question/testimony.
43:12–43:19 44:1–44:8 44:24–45:10 47:10–48:5 60:23 – 60:24 61:6 – 61:7	401; 402; 403; Pending MIL.

Defendants offer the following counter deposition designations for Mr. Snyder:

9:10–10:2	33:16–33:16	51:23–51:25
10:14–10:21	34:25–35:2	52:2–52:5
11:8–11:21	41:2–41:7	54:22–55:14
13:10–13:10	48:6–48:8	55:21–56:5
28:4–28:5	49:10–49:18	56:8–56:9
28:8–28:8	50:9–50:10	58:24–59:1
32:2–32:4	50:12–50:13	59:4–59:4
32:17–32:17	51:7–51:8	60:25–60:25
33:9–33:11	51:10–51:12	

III. EXHIBITS

Defendants object to Plaintiff's Amended Trial Exhibit List, Pl.'s 26(a)(3) Discl., Ex. B, as indicated below.

Plaintiff's Exhibit No.	Description	Defendants' Objections
1	Certificate of Registration from the U.S. Copyright Office – Dove [ALEXANDER000060-61]	
2	Certificate of Registration from the U.S. Copyright Office – Rose [ALEXANDER000062]	
3	Certificate of Registration from the U.S. Copyright Office – Skulls [ALEXANDER000063-64]	
4	Certificate of Registration from the U.S. Copyright Office – Tribal Addition [ALEXANDER000065-66]	
5	Certificate of Registration from the U.S. Copyright Office – Tribal Design [ALEXANDER000070-71]	
6	Copyright registration application for Tribal Addition design [ALEXANDER000001-4, Alexander Depo Exh 3]	
7	Copyright registration application for Dove design [ALEXANDER000009-14, Alexander Depo Exh 16]	
8	Copyright registration application for Rose design [ALEXANDER000015-19, Alexander Depo Exh 17]	
9	Copyright registration application for Skulls design [ALEXANDER000020-24, Alexander Depo Exh 18]	
10	Copyright registration application for Tribal design [ALEXANDER000025-28, Alexander Depo Exh 7]	
11	Photograph of Plaintiff and Mr. Orton [ALEXANDER000036]	
12	Photograph of Plaintiff and Mr. Orton [ALEXANDER000036]	
13	Sketch of Plaintiff's dove tattoo design [ALEXANDER000037, Alexander Depo Exh 12]	
14	Sketch of Plaintiff's tribal addition tattoo design [ALEXANDER000038, Alexander Depo Exh 5]	
15	Sketch of Plaintiff's tribal addition tattoo design [ALEXANDER000039, Alexander Depo Exh 6]	

Plaintiff's Exhibit No.	Description	Defendants' Objections
16	Sketch of Plaintiff's tribal addition tattoo design [ALEXANDER000040, Alexander Depo Exh 4]	
17	Sketch of Plaintiff's tribal design addition for Mr. Orton's tattoos arm(s) [ALEXANDER000041, Alexander Depo Exh 8]	
18	Photograph of Mr. Orton with tattoos on arms [ALEXANDER000043, Alexander Depo Exh 11]	
19	Photograph of Mr. Orton's arm tattoos [ALEXANDER000044, Alexander Depo Exh 10]	
20	Photograph of Mr. Orton's upper arm tribal design and partial view of back tribal addition [ALEXANDER000045, Alexander Depo Exh 14]	
21	Photograph of Mr. Orton's tattoos on arms [ALEXANDER000046]	
22	Photograph of Mr. Orton's upper arm and upper back tribal tattoos [ALEXANDER000047]	
23	Photograph of Mr. Orton's Rose arm tattoos [ALEXANDER000048, Alexander Depo Exh 13]	
24	George Lopez show, interview of Mr. Orton [ALEXANDER000050]	
25	Article: The 20 Coolest Tattoos in WWE History [Zagal Depo Exh 3]	Hearsay, Rule 703 Inadmissible Expert Bases
26	WWE 2K Franchise Sales Since Apr'2015 [TAKE-TWO_0000982, Snyder Depo Exh 9]	Rule 1002 Not Original Document, Rule 106 Incomplete Document, Rule 403
27	WWE 2K Franchise Sales Since Apr'2015 [TAKE-TWO_0000983, Snyder Depo Exh 10]	Rule 1002 Not Original Document, Rule 106 Incomplete Document, Rule 403
28	WWE 2K Franchise Sales Since Apr'2015 [TAKE-TWO_0001332, Snyder Depo Exh 11]	Rule 1002 Not Original Document, Rule 106 Incomplete Document, Rule 403
29	License between Take-Two Interactive Software, Inc. and World Wrestling Entertainment [TAKE-TWO_0000498-542, Little Depo Exh 2]	

Plaintiff's Exhibit No.	Description	Defendants' Objections
30	Amendment 1 to License between Take-Two Interactive Software, Inc. and World Wrestling Entertainment [TAKE-TWO_0000543-559, Little Depo Exh 3]	
31	Master Development Agreement between Yuke's Co., Ltd. and World Wrestling Entertainment [TAKE-TWO_0000560-609, Little Depo Exh 4]	
32	Images of Mr. Orton [TAKE-TWO_0000798-822, Little Depo Exh 5]	
33	Images of Mr. Orton [TAKE-TWO_0000909-929, Little Depo Exh 6]	
34	Screenshot of WWE 2K16 video of Mr. Orton's tattoos [TAKE-TWO_0000481, Little Depo Exh 7]	
35	IndianVideoGamer.com Interview: WWE 2K18 Executive Producer Mark Little [Little Depo Exh 8]	Hearsay
36	United States Securities and Exchange Commission – Form 10-K for Take-Two Interactive Software, Inc. for the fiscal year ended March 31, 2018 [Clark Depo Exh 4]	Relevance, Rule 403, Pending MIL
37	Opening Expert Report of Jose Zagal dated November 15, 2018	Hearsay, Inadmissible Expert Report, Pending MIL
38	Exhibit A to Opening Expert Report of Jose Zagal	Hearsay
39	Supplemental Expert Report of Jose Zagal dated February 4, 2019	Hearsay, Inadmissible Expert Report
40	Reserved	
41	Reserved	
42	Physical copy of WWE 2K16, XBOX ONE format [M. Little's Declaration, Doc 142-1]	Pending MIL
43	Packaging and insert of WWE 2K16 XBOX ONE format [M. Little's Declaration, Doc 142-1]	
44	Physical copy of WWE 2K17, XBOX ONE format [M. Little's Declaration, Doc 142-1]	
45	Packaging and insert of WWE 2K17 XBOX One format [M. Little's Declaration, Doc 142-1]	
46	Physical copy of WWE 2K18, XBOX ONE format [M. Little's Declaration, Doc 142-1]	

Plaintiff's Exhibit No.	Description	Defendants' Objections
47	Packaging and insert of WWE 2K18 XBOX One format [M. Little's Declaration, Doc 142-1]	
48	Physical copy of WWE 2K16, Sony PlayStation 4 format [TAKE-TWO_0000001]	
49	Packaging and Insert of WWE 2K16 Sony PlayStation 4 format [TAKE-TWO_0000001]	
50	Physical copy of WWE 2K17, Sony PlayStation 4 format [TAKE-TWO_0000002]	
51	Packaging and Insert of WWE 2K17 Sony PlayStation 4 format [TAKE-TWO_0000002]	
52	Physical copy of WWE 2K18, Sony PlayStation 4 format [TAKE-TWO_0000003]	
53	Packaging and Insert of WWE 2K18 Sony Play Station 4 format [TAKE-TWO_0000003]	
54	WWE Source Product Submission #3540 [Kiang Depo Exh 4; WWE_Alexander0000109]	Relevance
55	WWE Source Product Submission #17984 [Kiang Depo Exh 5; WWE_Alexander0000207]	Relevance
56	WWE Source Product Submission #4073 [Kiang Depo Exh 6; WWE_Alexander0000112]	Relevance
57	Bryce Yang's 8-6-14 Email Chain [Kiang depo Exh 7; WWE_Alexander0000094]	Hearsay, Relevance, Rule 403, Pending MIL
58	Screenshot of WWE 2K15 video of Mr. Orton's tattoos [WWE_Alexander_0000098]	Hearsay, Relevance, Rule 403, Pending MIL
59	Screenshot of WWE 2K17 video of Mr. Orton's tattoos [WWE_Alexander_0000166]	
60	Video of Mr. Orton's videogame character [TAKE-TWO_0000823.M4V]	
61	Video of Mr. Orton from WWE 2K Game [WWE_Alexander0000172.m4v]	
62	Video of Mr. Orton from WWE 2K Game [WWE_Alexander0000180.m4v]	
63	Trailer for WWE 2K17 containing Mr. Orton [WWE_Alexander0000200.mp4]	
64	Trailer for WWE 2K16 containing Mr. Orton [TAKE-TWO_0000481.mp4]	

Plaintiff's Exhibit No.	Description	Defendants' Objections
65	Capture from the videogame WWE 2K16 depicting the infringing Rose tattoo on Randy Orton's in game character model [M. Little's Declaration, Doc 142-1; TAKE-TWO_0000001]	Rule 1002 Not Original Document, Rule 106 Incomplete Document, Rule 403, Pending MIL
66	Capture from the videogame WWE 2K16 depicting the infringing dove tattoo on Randy Orton's in game character model [M. Little's Declaration, Doc 142-1; TAKE-TWO_0000001]	Rule 1002 Not Original Document, Rule 106 Incomplete Document, Rule 403, Pending MIL
67	Capture from the videogame WWE 2K16 depicting the infringing skulls tattoo on Randy Orton's in game character model [M. Little's Declaration, Doc 142-1; TAKE-TWO_0000001]	Rule 1002 Not Original Document, Rule 106 Incomplete Document, Rule 403, Pending MIL
68	Capture from the videogame WWE 2K16 depicting the infringing tribal tattoo on Randy Orton's in game character model [M. Little's Declaration, Doc 142-1; TAKE-TWO_0000001]	Rule 1002 Not Original Document, Rule 106 Incomplete Document, Rule 403, Pending MIL
69	Capture from the videogame WWE 2K16 depicting the infringing tribal addition tattoo on Randy Orton's in game character model [M. Little's Declaration, Doc 142-1; TAKE-TWO_0000001]	Rule 1002 Not Original Document, Rule 106 Incomplete Document, Rule 403, Pending MIL
70	Capture from the videogame WWE 2K17 depicting the infringing Rose tattoo on Randy Orton's in game character model [M. Little's Declaration, Doc 142-1; TAKE-TWO_0000002]	Rule 1002 Not Original Document, Rule 106 Incomplete Document, Rule 403
71	Capture from the videogame WWE 2K17 depicting the infringing dove tattoo on Randy Orton's in game character model [M. Little's Declaration, Doc 142-1; TAKE-TWO_0000002]	Rule 1002 Not Original Document, Rule 106 Incomplete Document, Rule 403
72	Capture from the videogame WWE 2K17 depicting the infringing skulls tattoo on Randy Orton's in game character model [M. Little's Declaration, Doc 142-1; TAKE-TWO_0000002]	Rule 1002 Not Original Document, Rule 106 Incomplete Document, Rule 403
73	Capture from the videogame WWE 2K17 depicting the infringing tribal tattoo on Randy Orton's in game character model [M. Little's Declaration, Doc 142-1; TAKE-TWO_0000002]	Rule 1002 Not Original Document, Rule 106 Incomplete Document, Rule 403
74	Capture from the videogame WWE 2K17 depicting the infringing tribal addition tattoo on Randy Orton's in game character model [M. Little's Declaration, Doc 142-1; TAKE-TWO_0000002]	Rule 1002 Not Original Document, Rule 106 Incomplete Document, Rule 403

Plaintiff's Exhibit No.	Description	Defendants' Objections
75	Capture from the videogame WWE 2K18 depicting the infringing Rose tattoo on Randy Orton's in game character model [M. Little's Declaration, Doc 142-1; TAKE-TWO_0000003]	Rule 1002 Not Original Document, Rule 106 Incomplete Document, Rule 403
76	Capture from the videogame WWE 2K18 depicting the infringing dove tattoo on Randy Orton's in game character model [M. Little's Declaration, Doc 142-1; TAKE-TWO_0000003]	Rule 1002 Not Original Document, Rule 106 Incomplete Document, Rule 403
77	Capture from the videogame WWE 2K18 depicting the infringing skulls tattoo on Randy Orton's in game character model [M. Little's Declaration, Doc 142-1; TAKE-TWO_0000003]	Rule 1002 Not Original Document, Rule 106 Incomplete Document, Rule 403
78	Capture from the videogame WWE 2K18 depicting the infringing tribal tattoo on Randy Orton's in game character model [M. Little's Declaration, Doc 142-1; TAKE-TWO_0000003]	Rule 1002 Not Original Document, Rule 106 Incomplete Document, Rule 403
79	Capture from the videogame WWE 2K18 depicting the infringing tribal addition tattoo on Randy Orton's in game character model [M. Little's Declaration, Doc 142-1; TAKE-TWO_0000003]	Rule 1002 Not Original Document, Rule 106 Incomplete Document, Rule 403
80	Photographs of the rose tattoo on Randy Orton [ALEXANDER000018-19]	
81	Photographs of the dove tattoo on Randy Orton [ALEXANDER000012-14]	
82	Photographs of the skulls tattoo on Randy Orton [ALEXANDER000023-24]	
83	Photographs of the tribal tattoo on Randy Orton [ALEXANDER000028]	
84	Photographs of the tribal addition tattoo on Randy Orton [ALEXANDER000004]	
85	World Wrestling Entertainment, Inc.'s Objections and Responses to Plaintiff's First Set of Interrogatories dated August 17, 2018	Relevance, Rule 403
86	World Wrestling Entertainment, Inc.'s Objections and Responses to Plaintiff's First Set of Requests for Admission dated August 17, 2018	Relevance, Rule 403, Pending MIL
87	Defendant World Wrestling Entertainment, Inc.'s Objections to Plaintiff's Second Set of Requests for Admission dated October 15, 2018	Relevance, Rule 403

Plaintiff's Exhibit No.	Description	Defendants' Objections
88	Defendant World Wrestling Entertainment, Inc.'s Objections to Plaintiff's First Set of Requests for Production dated October 15, 2018	Relevance, Rule 403
89	Defendant World Wrestling Entertainment, Inc.'s Objections to Plaintiff's Second Set of Interrogatories dated October 15, 2018	Relevance, Rule 403, Pending MIL
90	Defendant World Wrestling Entertainment, Inc.'s Objections To Plaintiff's Second Set of Requests for Production dated November 19, 2018	Relevance, Rule 403
91	Defendant World Wrestling Entertainment, Inc.'s Supplemental Objections and Responses to Plaintiff's First Set of Requests for Production dated May 15, 2020	Relevance, Rule 403
92	Defendant World Wrestling Entertainment, Inc.'s Supplemental Objections and Responses to Plaintiff's Second Set of Interrogatories dated May 15, 2020	Relevance, Rule 403, Pending MIL
93	Defendant World Wrestling Entertainment, Inc.'s Supplemental Objections and Responses to Plaintiff's Second Set of Requests for Admission dated May 15, 2020	Relevance, Rule 403, Pending MIL
94	Defendant Take-Two Interactive Software, Inc.'s Objections and Responses to Plaintiff Catherine Alexander's First Set of Requests for Admission dated October 15, 2018	Relevance, Rule 403
95	Defendant 2K Games, Inc.'s Objections and Responses to Plaintiff Catherine Alexander's First Set of Requests for Admission dated October 15, 2018	Relevance, Rule 403
96	Defendant 2K Sports, Inc.'s Objections and Responses to Plaintiff Catherine Alexander's First Set of Requests for Admission dated October 15, 2018	Relevance, Rule 403
97	Defendant Visual Concepts Entertainment's Objections and Responses to Plaintiff Catherine Alexander's First Set of Requests for Admission dated October 15, 2018	Relevance, Rule 403

Plaintiff's Exhibit No.	Description	Defendants' Objections
98	Defendants Take-Two Interactive Software, Inc., 2K Games, Inc., 2K Sports, Inc., and Visual Concepts Entertainment's Objections and Responses to Plaintiff Catherine Alexander's First Set of Requests for Production dated October 15, 2018	Relevance, Rule 403
99	Defendants Take-Two Interactive Software, Inc., 2K Games, Inc., 2K Sports, Inc., and Visual Concepts Entertainment's Objections and Responses to Plaintiff Catherine Alexander's First Set of Interrogatories dated October 15, 2018	Relevance, Rule 403, Pending MIL
100	Defendants Take-Two Interactive Software, Inc., 2K Games, Inc., 2K Sports, Inc., and Visual Concepts Entertainment's Objections and Responses to Plaintiff Catherine Alexander's Second Set of Requests for Production dated November 19, 2018	Relevance, Rule 403
101	Defendants Take-Two Interactive Software, Inc., 2K Games, Inc., 2K Sports, Inc., and Visual Concepts Entertainment's Objections and Responses to Plaintiff Catherine Alexander's Third Set of Requests for Production dated October 11, 2019	Relevance, Rule 403
102	Defendants Take-Two Interactive Software, Inc., 2K Games, Inc., 2K Sports, Inc., and Visual Concepts Entertainment's Objections and Responses to Plaintiff Catherine Alexander's Second Set of Requests for Admissions dated October 11, 2019	Relevance, Rule 403
103	Cover art for WWE 2K12 depicting Randy Orton	Relevance, Rule 403, Pending MIL
104	WWE 2K16 video [TAKE-TWO_0000177.mp4]	
105	WWE 2K16 video [TAKE-TWO_0000178.mp4]	
106	WWE 2K17 video [TAKE-TWO_0000179.mp4]	
107	WWE 2K17 video [TAKE-TWO_0000180.mp4]	
108	WWE 2K18 video [TAKE-TWO_0000181.mp4]	
109	WWE 2K18 video [TAKE-TWO_0000182.mp4]	
110	WWE 2K17 video [TAKE-TWO_0000471.mp4]	
111	WWE 2K18 video [TAKE-TWO_0000472.mp4]	
112	WWE 2K18 video [TAKE-TWO_0000473.mp4]	
113	WWE 2K16 video [TAKE-TWO_0000474.mp4]	
114	WWE 2K18 video [TAKE-TWO_0000475.mp4]	

Plaintiff's Exhibit No.	Description	Defendants' Objections
115	WWE 2K17 video [TAKE-TWO_0000476.mp4]	
116	WWE 2K17 video [TAKE-TWO_0000477.mp4]	
117	WWE 2K16 video [TAKE-TWO_0000478.mp4]	
118	WWE 2K16 video [TAKE-TWO_0000479.mp4]	
119	WWE 2K17 video [TAKE-TWO_0000480.mp4]	
120	WWE 2K17 video [TAKE-TWO_0000482.mp4]	
121	WWE 2K16 video [TAKE-TWO_0000483.mp4]	
122	WWE 2K17 video [TAKE-TWO_0000484.mp4]	
123	WWE 2K18 video [TAKE-TWO_0000485.mp4]	
124	WWE 2K17 video [TAKE-TWO_0000486.mp4]	
125	WWE 2K17 video [TAKE-TWO_0000487.mp4]	
126	WWE 2K17 video [TAKE-TWO_0000488.mp4]	
127	WWE 2K17 video [TAKE-TWO_0000489.mp4]	
128	WWE 2K16 video [TAKE-TWO_0000490.mp4]	
129	WWE 2K18 video [TAKE-TWO_0000491.mp4]	
130	WWE 2K17 video [TAKE-TWO_0000492.mp4]	
131	WWE 2K18 video [TAKE-TWO_0000493.mp4]	
132	WWE 2K18 video [TAKE-TWO_0000494.mp4]	
133	WWE 2K18 video [TAKE-TWO_0000495.mp4]	
134	WWE 2K18 video [TAKE-TWO_0000496.mp4]	
135	360 video of Randy Orton character [TAKE-TWO_0000930.mp4]	
136	360 video of Randy Orton character [WWE_Alexander0000111.mp4]	
137	360 video of Randy Orton character [WWE_Alexander0000131.mp4]	
138	360 video of Randy Orton character [WWE_Alexander0000134.mp4]	
139	WWE 2K16 walk out video of Randy Orton character [WWE_Alexander0000139.mp4]	
140	WWE 2K16 video [WWE_Alexander0000147.mp4]	
141	WWE 2K16 video [WWE_Alexander0000150.mp4]	
142	360 video of Randy Orton character [WWE_Alexander0000154.mp4]	

Plaintiff's Exhibit No.	Description	Defendants' Objections
143	360 video of Randy Orton character [WWE_Alexander0000161.mp4]	
144	360 video of Randy Orton character [WWE_Alexander0000205.mp4]	
145	360 video of Randy Orton character [WWE_Alexander0000206.mp4]	
146	Reserved	
147	Reserved	
148	WWE's Supplemental Responses to Plaintiff's Interrogatory Nos. 2, 10 and 11 once produced by WWE	Relevance, Rule 403, Pending MIL
149	Reserved	
150	Video compilation of selected game play sessions from WWE 2K16. Plaintiff intends to introduce all or part of this video compilation and/or screenshots therefrom. [M. Little's Declaration, Doc 142-24, WWE2K16 Xbox Game]	Pending MIL
151	Video compilation of selected game play sessions from WWE 2K17. Plaintiff intends to introduce all or part of this video compilation and/or screenshots therefrom. [M. Little's Declaration, Doc 142-25, WWE2K17 Xbox Game]	
152	Video compilation of selected game play sessions from WWE 2K18. Plaintiff intends to introduce all or part of this video compilation and/or screenshots therefrom. [M. Little's Declaration, Doc 142-26, WWE2K18 Xbox Game]	
153	Video compilation of selected game play sessions from WWE 2K16 (selections from Exhibit 150)	Pending MIL
154	Video compilation of selected game play sessions from WWE 2K17 (selections from Exhibit 151)	
155	Video compilation of selected game play sessions from WWE 2K18 (selections from Exhibit 152)	

Defendants reserve the right to use discovery answers, pleadings, any other documents exchanged in discovery, and any and all exhibits designated by Plaintiff if the need arises.

Defendants reserve the right to use any materials brought to Court by any witness.

Defendants further reserve the right to utilize demonstrative exhibits, including without limitation illustrations, summaries, charts, models, computer animations, PowerPoint presentations, videos, and enlargements of portions of exhibits.

Defendants preserve all objections to any and all exhibits identified and/or offered by Plaintiff. Defendants specifically preserve the right to object on the basis of any later-filed or granted motion *in limine*, any stipulations made by the parties (*see* Dkt. No. 211), or any further order of the Court. Defendants specifically preserve the right to object to the introduction of any exhibit for lack of personal knowledge by the sponsoring witness and/or failure to lay appropriate foundation for the exhibit to be introduced. Defendants are unaware at this time of any additional exhibits that they may offer, but reserve the right to present rebuttal or impeachment evidence as necessary.

Dated: September 9, 2022

Respectfully submitted,

/s/ Dale M. Cendali

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION**

CATHERINE ALEXANDER,

Plaintiff,

-vs-

TAKE-TWO INTERACTIVE SOFTWARE, INC.,
2K GAMES, INC.; 2K SPORTS, INC.; WORLD
WRESTLING ENTERTAINMENT, INC.;
VISUAL CONCEPTS ENTERTAINMENT;
YUKE'S CO., LTD.; AND YUKE'S LA, INC.,

Defendants.

Case No. 3:18-cv-966-SMY

CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2022, I electronically filed the foregoing DEFENDANTS' OBJECTIONS TO PLAINTIFF'S SECOND AMENDED RULE 26(a)(3) PRETRIAL DISCLOSURES with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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